

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 24, 2019
Time of Incident:	Approximately 12:00 a.m.
Location of Incident:	████████████████████
Date of COPA Notification:	March 24, 2019

██████████ (██████████) alleged that he was a victim of excessive force during an arrested by Chicago Police Department (“CPD”) officers. Specifically, ██████████ alleges that he was standing in the alley talking to his girlfriend, ██████████ (██████████) when a neighbor called 911 complaining the ██████████ was carrying a firearm and that ██████████ and ██████████ were talking too loudly. Once the police arrived, ██████████ was arrested ██████████ alleges that the arresting officer slammed ██████████ head against the ground, resulting in an open, bleeding laceration. Following an investigation, The Civilian Office of Police Accountability (“COPA”) determined by clear and convincing evidence that the excessive force allegations against Officer ██████████ (“Officer ██████████”) is exonerated.

II. INVOLVED PARTIES

Involved Officer #1:	██████████ Star: # ██████████, Employee ID: # ██████████, Date of Appointment: ██████████, 2002, Police Officer, Unit of Assignment: ██████████, DOB: ██████████, 1975, Male, White
Involved Individual #1:	████████████████████, 1988, Male, White Hispanic

III. ALLEGATIONS

Officer	Allegation	Finding
Officer ██████████	1. It is alleged that on or about March 24, 2019, at approximately at 12:00 a.m., at or near ██████████ ██████████, that Police Officer ██████████ used excessive force against ██████████ ██████████ by slamming ██████████ head against the concrete ground causing an open and bleeding laceration to ██████████ forehead.	Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

- Rule 8: Disrespect to or maltreatment of any person while on or off duty.
 - Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
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General Orders

- G03-02: Use of Force
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V. INVESTIGATION

A. Interviews

██████████ ██████████

On April 29, 2019, ██████████ was interviewed by COPA investigators. During that interview, ██████████ told investigators that on the day of the incident he was standing in the alley talking to ██████████ when a neighbor complained they were making too much noise. The neighbor called 911. Once the police arrived, officers attempted to place ██████████ in handcuffs. ██████████ did not understand why the officers wanted to handcuff him. No explanation was provided by the officers for their actions. One of the arresting officers slammed ██████████ head to the ground resulting in an open and bleeding laceration. ██████████ was taken to the hospital for medical treatment. After receiving medical attention, ██████████ was taken into custody and later released on an I-Bond.

B. Digital Evidence

Body Worn Camera (“BWC”)²

In relevant part, BWC footage captures Officer ██████████ approaching ██████████ and ██████████ while they are standing and in a parking lot near ██████████. Approximately 50 seconds into Officer ██████████ BWC, an injury to ██████████ forehead can be seen with blood on ██████████ forehead and face (See Figure 1 below). This injury is visible before the officers make any physical contact with ██████████. The officers requested that ██████████ remove his hands from his pockets several times. ██████████ slowly removed his hands. Shortly thereafter, Officers ██████████ and ██████████ take ██████████ to the ground as ██████████ is flailing, pulling his arm away, and arguing with the officers. Meanwhile, ██████████ is heard screaming in the background at ██████████ to stop resisting the officers. Later on, the BWC captures officer explaining to ██████████ why he was arrested. The BWC also shows ██████████ received medical attention

¹ Attachments 17 & 18

² Attachments 19 - 33

Additionally, the BWC of Officer [REDACTED] at approximately the 2 minute and 30 second mark, captures [REDACTED] advising Officer [REDACTED] that [REDACTED] was already bleeding from his head when [REDACTED] picked him [REDACTED] from the bar prior to the incident.

Finally, the BWC of Officer [REDACTED] at approximately 30 second mark, captures [REDACTED] explaining to the responding officers that [REDACTED] had preexisting laceration and was bleeding from his forehead prior to the arresting officers' arrival.



Figure 1

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

³ [REDACTED] called 911 on [REDACTED] for loud noise and possibly having a gun.

A preponderance of evidence can be described as evidence indicating that it is more likely than not that the conduct reviewed complied with Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.” *Id.* at ¶ 28.

VII. ANALYSIS

COPA finds that [REDACTED] allegation that Officer [REDACTED] committed excessive force against [REDACTED] by slamming [REDACTED] to the ground causing a laceration to [REDACTED] forehead is not supported by the evidence. Officer [REDACTED] BWC captured the bleeding injury to [REDACTED] forehead as the officers initially approached [REDACTED]. Additionally, BWC captured [REDACTED] and [REDACTED] attesting to seeing [REDACTED] injured forehead prior to any police contact. These facts clearly and convincingly show that [REDACTED] claimed injury at the hands of excessive force by Officer [REDACTED] occurred prior to any police contact. Accordingly, the excessive force allegation is unfounded.

VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged that on or about March 24, 2019, at approximately at 12:00 a.m., at or near [REDACTED] that Police Officer [REDACTED] used excessive force against [REDACTED] by slamming [REDACTED] head against the concrete ground causing an open and bleeding laceration to [REDACTED] forehead.	Unfounded

Approved:

[REDACTED]

4/29/20

 Andrea Kersten
 Deputy Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	██████
Supervising Investigator:	██████
Deputy Chief Administrator:	Kersten